

MONTANA LEGISLATIVE HISTORY

Chapter 62 1979

Bill H _____ S 77

Original bill & history ☒ c

H. Committee on Highway & Trans

Hearing Date(s) 2/6 _____ c

2/6 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Highway & Trans.

Hearing Date(s) 1/16 _____ c

1/18 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CHAPTER NO. 62

SENATE BILL NO. 77

INTRODUCED BY GOODOVER, HAZELBAKER, ROSKIE, ETCHART, GALT,
O'HARA, AKLESTAD, TURNAGE, E. SMITH, REGAN, RASMUSSEN,
BLAYLOCK, S. BROWN, MANLEY, BOYLAN, STEPHENS, LOWE, NELSON

IN THE SENATE

January 8, 1979	Introduced and referred to Committee on Highways and Transportation.
January 20, 1979	Committee recommend bill do pass as amended. Report adopted.
January 22, 1979	Printed and placed on members' desks.
January 23, 1979	Second Reading, do pass.
January 24, 1979	Considered correctly engrossed.
January 25, 1979	Third Reading, passed. Transmitted to Second House.

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Highways and Transportation.
February 7, 1979	Committee recommend bill be concurred in. Report adopted.
February 8, 1979	Second Reading, pass consideration.
February 9, 1979	On motion, passed until the 36th Legislative Day.
February 13, 1979	On motion, postponed until the 46th Legislative Day.
February 27, 1979	Second Reading, concurred in.
February 28, 1979	Third Reading, concurred in.

IN THE SENATE

March 1, 1979

Returned from Second House.
Concurred in.

Sent to enrolling.

Reported correctly enrolled.

SENATE BILL NO. 77

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION

61-8-207, MCA, TO ALLOW A LEFT TURN ON A RED SIGNAL FROM A

ONE-WAY STREET TO ANOTHER ONE-WAY STREET GOING LEFT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-207, MCA, is amended to read:

"61-8-207. Traffic-control signal legend. Whenever

traffic is controlled by traffic-control signals exhibiting

the words "Go", "Caution", or "Stop" or exhibiting different

colored lights successively one at a time or with arrows,

the following colors only shall be used and said terms and

lights shall indicate and apply to drivers of vehicles and

pedestrians as follows:

(1) Green alone or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn left or right unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection of an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across

the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "Caution" when shown following the green or "Go" signal:

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signals are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone, or until a right turn can safely be made, or until a left turn can safely be made if the turn is made from a one-way street onto another one-way street going left. In making such turn vehicular traffic must yield the right-of-way to pedestrians lawfully within the crosswalk and to other traffic lawfully using the intersection. If a traffic sign legend indicating that no right turn on red or no left turn on red may be made after a stop is posted at

1 said intersection, such movement cannot be made until green
2 or "Go" is shown alone.

3 (b) No pedestrian facing such signal shall enter the
4 roadway unless he can do so safely and without interfering
5 with any vehicular traffic.

6 (4) Red with green arrow:

7 (a) Vehicular traffic facing such signal may
8 cautiously enter the intersection only to make the movement
9 indicated by such arrow but shall yield the right-of-way to
10 pedestrians lawfully within the crosswalk and to other
11 traffic lawfully using the intersection.

12 (b) No pedestrian facing such signal shall enter the
13 roadway unless he can do so safely and without interfering
14 with any vehicular traffic.

15 (5) Traffic-control signal at place other than
16 intersection:

17 (a) In the event an official traffic-control signal is
18 erected and maintained at a place other than an
19 intersection, the provisions of this section shall be
20 applicable except as to those provisions which by their very
21 nature can have no application.

22 (b) Any stop required shall be made at a sign or
23 marking on the pavement indicating where the stop shall be
24 made, but in the absence of any such sign or marking the
25 stop shall be made at the signal."

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

BILL NUMBER	DATE REC.	TITLE	SPONSOR	HEARING	ACTION
SB52	1-8-79	An Act to amend the law relating to screening of junkyards;	Graham	1-13-79	DO PASS AS AMENDED 1-18-79
SB53	1-8-79	An act to permit increased expenditures of off-system road funds	Healy	1-13-79	DO PASS 1-13-79
SB77	1-8-79	To allow a left turn on a red signal from a one-way street to another one-way street going left.	Goodover	1-16-79	DO PASS AS AMENDED 1-18-79
SB72	1-5-79	An act to require all contracts on State and Federal-aid Highways be let by competitive bidding if the cost of the work exceeds \$1,000.	Lockrem	1-16-79	DO NOT PASS 1-18-79
SB98	1-15-79	An Act to amend section 61-5-106 to allow students who have completed driver education to obtain an instruction permit.	Hazelbaker	1-23-79 Tuesday	DO PASS 1-23-79
SB113	1-17-79	An act to generally revise and clarify the law relating to motor vehicles; repealing section 61-8-721, MCA; and repealing sections 31-167, 31-186, 32-1116, 32-1119, 32-2101, 32-2124.2, 32-21-154, 53-134, 53-135, and 53-140 through 53-144, R.C.M. 1947.	Graham	1-23-79 Tuesday	DO PASS AS AMENDED 1-27-79

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OF MONTANA

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 16, 1979

The fifth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:32 p.m.

ROLL CALL: All members were present, with Senator Manning absent.

The following witnesses were present to testify on Senate Bill 72: William Olson, Montana Contractors Association; Eugene Fenderson, AFSCME-AFL-CIO; Dean Zinnicker, Montana Association of Counties; James Beck, Department of Highways; Senator Lloyd Lockrem, District 32 and sponsor of Senate Bill 72; Ray Wayrynen, State Construction and Building Trades.

The following witnesses were present to testify on Senate Bill 77: Senator Pat Goodover, District 22, chief sponsor of Senate Bill 77.

CONSIDERATION OF SENATE BILL 77: Chairman Etchart asked if there were any proponents present who would like to testify.

Senator Pat Goodover briefly explained Senate Bill 77 to the committee. It is an act to allow a left turn on a red signal from a one-way street to another one-way street going left. He told the committee a lot of other states are allowing this procedure, and that it is just a matter of facilitating traffic flow.

Chairman Etchart asked if there were any other proponents. There were none. He asked if there were any opponents. There were none.

Chairman Etchart asked the committee if they had any questions.

Senator Healy asked Senator Goodover if they had talked to the Highway Patrol about this bill. Senator Goodover replied they had and there was no opposition from the Highway Patrol. Senator Healy asked Senator Goodover about vehicles coming to a complete stop before turning left. Senator Goodover replied that it was understood that the vehicle would come to a complete stop before turning left. He read the existing law pertaining to the question from the code to the committee. Senator Healy said the Title of SB77 does not indicate this law.

Senator Kolstad suggested amending the Title of SB77 to include the law on coming to a full stop.

Senator Goodover said he would have no objection to amending the Title of SB77, adding a full stop on red signal.

Jim Beck stated if a stop is required by the existing law, there is no need to amend it. 7

Senator Graham told the committee he was worried about lane usage, particularly those vehicles in the middle lane.

Chairman Etchart asked if there were any other questions. He asked Senator Graham if he would like to hold SB77 over until he could do further research on it. Senator Graham told the committee if the Highway Patrol could live with this bill, so could he.

Chairman Etchart closed the hearing on Senate Bill 77 at 1:40 p.m.

CONSIDERATION OF SENATE BILL 72: Senator Lockrem stated this is a simple housekeeping bill requiring all contracts on state and federal aid highways be let by competitive bidding if the cost of the work exceeds \$1,000. He told the committee it is not self-serving on his part. He told the committee he is a contractor, but not a road building contractor. The issue was brought to his attention by L. S. Harris, Manager of the Secondary Road Unit. Senator Lockrem passed out a handout and asked the committee to refer to the 1st page, second paragraph (Exhibit "A"). He submitted to the committee that counties with revenue sharing funds have purchased large amounts of equipment and are using this equipment to keep busy. For the counties to compete with private construction is socialized road building. It applies only to contracts awarded to the state with federal aid.

Chairman Etchart asked if there were any other proponents.

Bill Olson from the Montana Contractors' Association stated he was in support of Senate Bill 72. My remarks are being directed to the safer off-system roads program. He passed a handout, which included his talk. (See Exhibit "B")

Chairman Etchart asked if there were any other proponents.

Ray Wayrynen spoke on behalf of the Building and Construction Trades. He informed the committee they are those construction unions who are involved in heavy construction. Their concern is with some of the things that have been missed by Senator Lockrem and Mr. Olson. They question whether or not we get proper value of tax dollars; whether this is a wise expenditure of tax dollars. In regard to the equipment, the county equipment is exempt from property taxes whereas the private contractor is required to pay taxes. The County ends up with poor quality roads that are not lasting more than two years. Many of the employees of the county who are doing this work are maintenance personnel and are working without union contracts. In private construction, the personnel are bound by contracts for the trades involved. This causes an economic hardship on the private contractor. The county can go

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 18, 1979

The sixth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:37 p.m.

ROLL CALL: All members of the committee were present, with Senator Hager arriving late.

Chairman Etchart informed the committee we had received three bills that have been assigned to this committee. The committee decided to schedule them for next week:

SB 113, sponsored by Senator Graham for Tuesday, January 23, 1979 at 1:30 p.m. in room 410 of the State Capitol Building.

SB 98, sponsored by Senator Hazelbaker for Tuesday, January 23, 1979 at 1:30 p.m. in Room 410 of the State Capitol Building.

HB 4, sponsored by Code Commissioner, for next Thursday, January 25, 1979 at 1:30 p.m. in Room 410 of the State Capitol Building.

CONSIDERATION OF SENATE BILL 77:

Senator Hager stated he would like to insert "from the far left lane" on Line 19, page 2 after the word made and before the word if. I talked to Larry Majerus this morning and he showed me the law pertaining to this. I would like to amend.

Chairman Etchart asked the committee if they would like to discuss this amendment.

Senator Hager made the motion to Amend Senate Bill 77 to insert "from the far left lane", on Line 19, page 2 after the word made and before the word if. Senator Graham seconded this motion. The motion carried unanimously to DO PASS SB 77 as amended.

CONSIDERATION OF SENATE BILL 72:

Senator Kolstad moved that Senate Bill 72 DO NOT PASS.

Senator Manning asked to be briefed on the Hearing of SB 72, as he was absent. The secretary read from the minutes. Senator Manning agreed with Senator Kolstad.

Senator Graham seconded Senator Kolstad's motion to DO NOT PASS Senate Bill 72. The motion carried unanimously with Senator Hager voting no.

HIGHWAYS AND TRANSPORTATION COMMITTEE

46 Legislature

Page 4

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 77	Allows a left turn on a red signal from a one-way street to another one-way street going left.	Jan. 26	Goodover	Feb. 6	Be Concurred In	Feb. 6
SB 52	Act to amend the law relating to screening of junkyards; amending 75-15-222, MCA; and repealing section 75-15-221.	Jan. 27	Graham	Feb. 6	Be Concurred In	Feb. 6
SB 98	Allows students who have completed driver education to obtain an instruction permit.	Jan. 30	Hazelbaker	Feb. 13	Be Concurred In	March 1
SB 179	Act to amend to put vehicles with personalized license plates on the staggered registration system.	Feb. 2	Hager	March 1	Be Concurred In Consent Calendar	March 1
HB 544	Act to revise the elibility requirements for the driver improvement program.	Feb. 3	Donaldson	Feb. 13	DO PASS	Feb. 13
SB 154	Act revising and clarifing, etc., transferring to the Highway Patrol Chief certain duties and powers of the Division of Motor Vehicles	Feb. 3	Manning	Feb. 13	Be Concurred In	March 1

SENATE BILL NO. 77

INTRODUCED BY GOODOVER, HAZELBAKER, ROSKIE, ETCHART, GALT,
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such signal is exhibited.

(b) Pedestrians facing the signal may proceed across
the roadway within any marked or unmarked crosswalk.

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25 marking on the pavement indicating where the stop shall be

1 made, but in the absence of any such sign or marking the
2 stop shall be made at the signal."

-End-

February 6, 1979

The House Highways and Transportation Committee convened in room 20, of the Capital Annex on February 6, 1979, at 12:30 p.m., with Chairman Baeth presiding and twelve members present (absent were Reps. Fabrega, Lien and Meyer). Chairman Baeth opened the meeting to a hearing on the following bills:

SENATE BILL 77 SENATOR PAT GOODOVER, District 22, the chief sponsor, said the bill applies primarily to metropolitan areas but most visit such areas even if they don't live there. He said this would save time, energy and move traffic by allowing a left turn on a red light after stopping when going onto a one-way street going left. He said many other states have this law already.

BUD GARRICK, Highway Patrol, said the Highway Patrol neither supports or opposes this bill. He said he was present to help answer any questions the committee might wish to direct his way.

Senator Goodover closed by saying he would be glad to answer any questions.

SENATE Bill 52 SENATOR CARROLL GRAHAM, District 29, said this bill was at the request of the Highway Department. He said Jim Beck of the Highway Department was present to answer any questions. He said the bill had to do with the Junkyard Screening Act.

BEATE GALDA, Department of Highways, spoke in support. She said the words "effective screening" can mean different things. The fences, she said, are allowed spaces of 1 1/2 inches every 7 1/2 inches and whizzing by on the highway this isn't too effective screening. She said another part of the bill would make the department pay for additional screening if the federal law demands it--those who have complied with the law as it now is should not be expected to do more. However, she said, the bill repeals the part of the law that says the department must screen the junkyards that are within 1000 feet of an interstate or primary highway. She said about 36 junkyards have come under the need to screen and most have done so at their own expense. She said there are eight remaining and she questioned the fairness of doing this at public expense when the others have done it on their own. She said she would be happy to answer any questions.

LARRY MITCHELL, State Health Department, spoke in support of the bill. He said it would make their job of administering this easier as well as clarify the law.

Senator Graham closed.

During questions from the committee, it was mentioned that there are some unsightly fences, including one of using boxcars as a screen. Mr. Beck responded to a question that if the junkyard is within 1000 feet of a primary highway they are under their administration, if without they are under the responsibility of the Health Department. Rep. Kropp felt if we were to require screening there should be some standards. Ms. Galda said she did not believe their regulations would permit boxcars although the regulations are a bit vague and it

SENATE BILL 77 Rep. Kanduch moved be concurred in. The motion carried unanimously with those present. Rep. Uhde will carry this bill on the floor.

HOUSE BILL 348 Rep. Cooney moved the amendments be adopted that were presented by Rep. Iverson and are exhibit 4 of the minutes. This motion carried unanimously with those present. There was discussion by the committee. Rep. Wood moved to make it 85% of the annual pay, on line 17, page 1. Voice vote was taken and the motion failed with Rep. Wood voting yes and the same absent. Rep. Cooney moved the bill do pass as amended. The motion carried with Rep. Tropila voting no and the same absent.

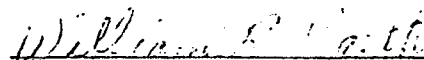
HOUSE BILL 315 Rep. Keyser moved do pass. There had been a request for a fiscal note by Rep. Cooney but he withdrew his request. Rep. Kropp moved a substitute motion of do not pass. The motion carried (Rep. Keyser voted no and the same absent).

HOUSE BILL 326 Rep. Kropp moved do pass. Rep. Keyser said he would like to see an amendment attached which would be similar to the Idaho bill and would include federal standards. He moved Rep. Moore's to add "or semi transparent." This motion carried unanimously with those present (same absent). Chairman Baeth said the bill would be considered the following Tuesday, Feb. 13.

The subcommittee on HB 380 had not had an opportunity yet to meet.

Meeting adjourned at 2:45 p.m.

Respectfully submitted,


WILLIAM R. BAETH

Emelia Satre, Sec.

SENATE BILL NO. 77

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